

REMARKS

Claims 80-85, 87, and 89-93 are pending. By this amendment, claims 80 and 93 are amended to remove activity by the consumer computer as a claim requirement. Because these amendments are broadening in nature, they clearly are not interposed for reasons related to patentability. In any event, for the reasons stated herein, Applicant submits that the claims in the present application are patentable.

In the Office Action, the Examiner has rejected claims 80-86 and 91-92 under 35 U.S.C. §103(a) as unpatentable over Stein (USP 6,246,996) in view of Kuzma (USP 5,771,335). The Examiner also has rejected claims 87-90 and 93 under 35 U.S.C. §103(a) as unpatentable over Stein in view of Kuzma, and further in view of Wiser (USP 6,385,596). Applicant respectfully traverses these rejections, and requests reconsideration and allowance of the claims in view of the following arguments.

Throughout prosecution of this application, the Examiner has chosen to characterize the claimed invention in very broad terms, by basically taking any particular meaning out of the words used in the claims. For example, the claims recite the carrying out of electronic transactions over a network, where at least a merchant computer and a consumer information server are involved. The transactions clearly, therefore, are commercial transactions. Registration with the consumer information server, thereby enabling subsequent commercial transactions without the consumer having to register his/her information with each merchant, is what the claimed invention is about.

Notwithstanding the use of this type of language in the claims, the Examiner has treated the invention as merely an exchange of some kind of indeterminate information. Even in applying the prior art, while the Examiner has cited a reference (Stein) which relates in some fashion to consumer transactions, the Examiner does not appear to have given any weight to the claim language that Applicant has used to claim the invention.

Looking at the prior art, the Stein reference does not teach or suggest a consumer information server at all. Stein, at best, teaches communication between two users, where one user is to pay another user. There is nothing in this reference that suggests that a consumer can store registration information at a consumer information server, and then use

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that information to conduct transactions with a plurality of merchants, without having to register with each merchant.

Stein does not disclose or suggest that a consumer information server will determine whether the consumer is registered with the consumer information server, or if the consumer is not registered with the consumer information server, will send a request for registration information. In contrast, Stein discloses that if an Internet user 14 wants to establish a cardholder account, the user 14 sends an application-request message 227 over the Internet to payment system 90 and receives a blank form to fill out from the payment system 90. Thus, in Stein, the user must start the registration process, and there is no disclosure or suggestion of a consumer information server “determining whether a consumer is registered with the consumer information server and if the consumer is not registered with the consumer information server, sending a request for registration information” as the claims recite.

While the Examiner has said that Kuzma and Stein talk about a “middle man” which might be a server or the Internet, it should be noted that neither of these references talks about a consumer information server which communicates with a merchant computer as claimed, and which stores registration information as claimed. Obviously “the Internet” does not store such information. The Examiner’s reference to a “server” is far too generic to be germane to the subject matter of the present invention. Servers store information, but the prior art does not teach or suggest the combination of registration information storage and merchant computer information that the claims of the present application recite.

Neither Kuzma, nor the other art of record (including Wiser), supplies any of the deficiencies of Stein. Kuzma relates to e-mail, but does not disclose or suggest consumer transactions, which is what the present invention relates to.

Further, neither Stein nor Kuzma disclose or suggest “determining whether a consumer is registered with the consumer information server and if the consumer is not registered with the consumer information server, sending a request for registration information” as required by the claims. The Examiner seems to be asserting that the Internet is equivalent to the claimed consumer information server. However, this clearly is not the case.

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For the foregoing reasons, Applicant submits that claims 80-85, 87, and 89-93 are patentable. Accordingly, Applicant respectfully request that the Examiner reconsider and withdraw the prior art rejections.

In view of the foregoing remarks, Applicant respectfully submits that the claims as presently written are allowable, and accordingly requests early and favorable action to that effect. Applicant invites the Examiner to contact the undersigned at the telephone number listed below to discuss any matter concerning this application.

The Office is authorized to charge any additional fees under 37 C.F.R. § 1.16 or § 1.17 or credit of any overpayment to Kenyon & Kenyon Deposit Account No. 11-0600.

Respectfully submitted,
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